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DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Report of the Working Group on Indigenous Populations on its twelfth session

Chairperson-Rapporteur: Ms. Erica-Irene A. Daes

CONTENTS

	Paragraphs	Page
Introduction	1 - 18	4
I. GENERAL DEBATE	19 - 34	11
II. EVOLUTION OF STANDARDS CONCERNING THE RIGHTS OF INDIGENOUS PEOPLES	35 - 52	13
III. REVIEW OF DEVELOPMENTS PERTAINING TO THE PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF INDIGENOUS POPULATIONS	53 - 91	16
A. General principles	54 - 57	16
B. Life, integrity and security	58 - 62	17

GE.94-13689 (E)

CONTENTS (continued)

		Paragraphs	Page
C.	Culture, religious and linguistic identity . .	63 - 64	18
D.	Education and public information	65 - 68	18
E.	Economic and social rights	69 - 72	19
F.	Land and resources	73 - 81	20
G.	Indigenous institutions	82 - 85	21
H.	Implementation	86 - 91	22
IV.	CONSIDERATION OF THE SECOND PROGRESS REPORT OF THE SPECIAL RAPPORTEUR OF THE SUB-COMMISSION ON TREATIES, AGREEMENTS AND OTHER CONSTRUCTIVE ARRANGEMENTS BETWEEN STATES AND INDIGENOUS PEOPLES	92 - 97	22
V.	INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE	98 - 115	23
A.	Comments and proposals of the members of the Working Group	104	25
B.	Activities of the Coordinator	105 - 106	25
C.	Activities of the United Nations system . . .	107 - 109	25
D.	Indigenous activities	110 - 111	26
E.	Voluntary Fund for the International Decade .	112 - 113	26
F.	International Day of Indigenous People	114	26
G.	Inauguration of the International Decade . . .	115	27
VI.	THE FUTURE ROLE OF THE WORKING GROUP	116 - 119	27
VII.	CONSIDERATION OF A PERMANENT FORUM FOR INDIGENOUS PEOPLES	120 - 130	27
VIII.	OTHER MATTERS	131 - 132	29
IX.	CONCLUSIONS AND RECOMMENDATIONS	133 - 164	29
A.	Standard-setting	133 - 138	29
B.	Decade of the World's Indigenous People . . .	139 - 146	30

CONTENTS (continued)

		Paragraphs	Page
C.	International Day of Indigenous People	147	32
D.	Permanent Forum of Indigenous People	148 - 152	32
E.	Future of the Working Group	153 - 155	33
F.	Studies and reports	156 - 159	33
G.	Meetings and conferences	160 - 164	34
Annex:	Guidelines for the establishment of a permanent forum of the world's indigenous peoples		35

Introduction

Mandate

1. The creation of the Working Group on Indigenous Populations was proposed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 2 (XXXIV) of 8 September 1981, endorsed by the Commission on Human Rights in its resolution 1982/19 of 10 March 1982, and authorized by the Economic and Social Council in its resolution 1982/34 of 7 May 1982. In that resolution the Council authorized the Sub-Commission to establish annually a working group to meet in order to:

(a) Review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous populations, including information requested by the Secretary-General annually from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status, particularly those of indigenous peoples, to analyse such materials, and to submit its conclusions to the Sub-Commission, bearing in mind the report of the Special Rapporteur of the Sub-Commission, Mr. José R. Martínez Cobo, entitled "Study of the problem of discrimination against indigenous populations" (E/CN.4/Sub.2/1986/7 and Add.1-4);

(b) Give special attention to the evolution of standards concerning the rights of indigenous populations, taking account of both the similarities and the differences in the situations and aspirations of indigenous populations throughout the world.

2. In addition to the review of developments and the evolution of international standards, which are separate items on the Working Group's agenda, the Group has over the years considered a number of other issues relating to indigenous rights. The General Assembly in its resolution 48/163 of 21 December 1993, invited indigenous organizations and other interested non-governmental organizations to consider the contributions they can make to the success of the International Decade of the World's Indigenous People. In the same resolution, the Assembly requested the Commission on Human Rights to invite the Working Group to identify an appropriate date for the observance of the International Day of Indigenous People. The Commission on Human Rights in its resolution 1994/28 of 4 March 1994 invited the Working Group to consider the establishment of a permanent forum for indigenous people within the United Nations system. Both these questions were included in the provisional agenda prepared by the secretariat.

Participation in the session

3. In its decision 1993/111 of 27 August 1993, the Sub-Commission decided on the following composition of the Working Group at its twelfth session: Mr. Miguel Alfonso Martínez, Mr. Volodymyr Boutkevitch, Ms. Erica-Irene A. Daes, Mr. Ribot Hatano and Mr. Saïd Naceur Ramadhane.

4. The session was attended by Mr. Alfonso Martínez, Mr. Boutkevitch, Ms. Daes, Mr. Hatano and Mr. Ramadhane.

5. The following States Members of the United Nations were represented by observers: Argentina, Australia, Bangladesh, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Cyprus, Democratic People's Republic of Korea, Denmark, Ecuador, El Salvador, Estonia, Finland, Guatemala, Honduras, India, Indonesia, Japan, Malaysia, Mexico, Myanmar, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Republic of Korea, Russian Federation, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Ukraine, Uruguay and Venezuela.

6. The following non-member States were represented by observers: Holy See.

7. The following United Nations departments, bodies and specialized agencies were also represented by observers: United Nations Children's Fund, United Nations Development Programme, Department of Public Information, United Nations Development Support and Management Services, United Nations Volunteers, United Nations Voluntary Fund for Indigenous Populations (represented by the Chairman-Rapporteur), Sub-Commission on Prevention of Discrimination and Protection of Minorities, International Labour Office, United Nations Educational, Scientific and Cultural Organization.

8. The following intergovernmental organizations were also represented by observers: the World Bank, Instituto Indigenista Inter-Americano, International Union for the Conservation of Nature and Natural Resources.

9. The Greenland Home Rule Government and the Aboriginal and Torres Strait Islander Commission were also represented by observers.

10. The following non-governmental organizations in consultative status with the Economic and Social Council were also represented by observers:

(a) Organizations of indigenous peoples

Grand Council of the Crees of Quebec, Indian Council of South America, Indian Law Resource Center, Inuit Circumpolar Conference, International Indian Treaty Council, National Aboriginal and Islanders Legal Service Secretariat, Sami Council and World Council of Indigenous Peoples.

(b) Other organizations

Category II

Amnesty International, Anti-Slavery International, Association africaine d'education pour le développement, Baha'i International Community, Commission of the Churches on International Affairs of the World Council of Churches, Education International, Friends World Committee for Consultation (Quakers), Human Rights Advocates, Inc., Human Rights Internet, International Commission of Jurists, International Fellowship of Reconciliation, International Federation Terre des Hommes, International League for the Rights and Liberation of Peoples, International Organisation for the Elimination of All Forms of Racial Discrimination, International Union for the Conservation of Nature and Natural Resources, International Work Group for Indigenous Affairs, International Service for Human Rights, Lutheran World Federation, Mouvement

internationale pour l'union fraternelle entre les races et les peuples, Society for Threatened Peoples, Women's International League for Peace and Freedom and World University Service (Germany).

Roster

International Movement Against All Forms of Discrimination and Racism, Minority Rights Group and World Christian Life Community.

11. The following indigenous peoples' organizations and nations, as well as other organizations and groups, were represented at the session and provided information to the Working Group with its consent:

Aboriginal Land Council (Australia), Aboriginal Work Committee - The Presbyterian Church in Taiwan, Administration of Kuzbass, Agencia Internacional Prensa India, Ainu Association of Hokkaido, Akhil Bharatiya Adivasi Vikas Parishad (India), Alianza Mundial de los Pueblos Indígenas Tribales de los Bosques Tropicales, Alliance of Taiwan Aborigines, Amaro Runa Organizacion, Amauta - Indian Group from Ecuador, Ambedkar Centre for Justice and Peace, American Indian Law Alliance, Amerindian Peoples Association Guyana, Aotearoa Maori Te Taiwhenua o Heretaunga, Apache Survival Coalition, Apikan Indigenous Network Algonquin, Asia Indigenous Peoples Pact, Ask Programme West Pokot, Asociación de Comunidades Aborígenes "Thaka Honat" (Argentina), Asociación Indígena de la República Argentina, Asociación Napguana, Association for Endangered Peoples - Austria, Association for the Promotion of Batwa, Association Nouvelle de la Culture et des Arts Populaires (Berbers), Association des Experts Autochtones du Grand Nord, Association of Indigenous Peoples of the Republic of Sakha, Association of the Peoples of North Kamchatka, Association of Teleut People "Ene-Bayat", Aucan - Indigenous Group, Autoridades Indígenas de Colombia, Central Zone - Indian Confederation of Indigenous People, Central Land Council (Australia), Centre of the Traditional Culture of People Itelmen "Kamchatka-Etnos", Centro por la Vida y la Paz-Rigoberta Menchu Tum, Chin National Front, Chirapaq (Peru), Chittagong Hill Tracts Students Council, Chittagong Hill Tracts Women's Federation, Chukotka Autonomous Region, Comisión Jurídica de los Pueblos de Integración Tagnaninsuyana (COJPITA), Comité Intertribal (Brazil), Committee for North Territories Affairs and Indigenous Nationalities, Confederación Indígena del Oriente Chaco y Amazonía de Bolivia, Confederation of Treaty Six First Nations, Conive (Venezuela), Consejo de Todas las Tierras, Consejo Inter-Regional Mapuche, Consejo Nacional de la Cultura Nahuatl, Consejo Asesor Sierra Madre-Tarahumara, Consejo de Organizaciones Mayas, Coordinacion de Organizaciones Mapuche, Coordinadora Nacional de Pueblos Indigenas de Panamá - COONAPIP, Coordinadora de Organiciaciones Indígenas de la Amazonia Brasileira (COIAB), Coordillera Peoples Alliance, Council of Elders of the Chukchi People, Council of the Russian Federation, Democratic Alliance of Burma, Economic Development for Amerindians, Ethnic Minority Rights Organisation of Africa, Escuela Maya de Derechos Humanos, Federación Indígena y Campesina de Imbabura, Federation of Aboriginal Education Consultative Group (Australia), Finno-Ugrik Peoples Consultative Committee (Komi), Gagauzes in Moldova, Gitksan Wetksan Wetsuweten First Nations, Grassy Narrows First Nations, Grupo de Apoyo a Grupos Auto-Gestionarios de Mujeres, Hawaii Kanaka Maoli Tribunal Komike, Hiti Tau, Hmong People-Lao Human Rights Council, Homeland Mission 1950 for South Moluccas, Human Rights League for Cape Verde, Iina Torres Strait

Islanders Corporation Research, Ilkerin Loita Project, Indian Confederation of Indigenous Tribal Peoples, Indigenous Women Development Centre - Burma, Itelmen People, Jeunesse Nationale Populaire (Berberes), Jumma Nation, Initiative Towards a Coalition of Indigenous Adevasi People, Keepers of the Treasures, Khanty People, Konyak People, Kuru Development Trust, Kyeto People, Lauravtl'an/Chukchi People, Legal Assistance Center for Indigenous Filipinos (PANLIPI), Liga Maya Internacional, Lubicon Cree, Lubicon Settlement Commission, Maa Development Association, Maendeleo Ya Wana Wake, Mapuche Neuqina, Maori Congress - Aotearoa, Maori Legal Service, Maori Whakapai, Maori Women's Indigenous People's Claims, Mebengokre Kayapo Nation, Meflis of Krimea, Mikmaq Grand Council, Mahajir Quoumi Movement (Pakistan), Mohawk Nation, Mosul Vilayet Council, Movement for the Survival of the Ogoni People (MOSOP), Movimiento Action Resistencia, Movimiento de la Juventud Kuna (Panama), Muskogee Creek Nation, Naga Peoples Movement for Human Rights, Nahasthi Kandito Mixtec (Mexico), National Socialist Council of Nagaland, New South Wales Aboriginal Land Council, Ngai Tahuiwi, Northern Land Council, Nuba Mountains Solidarity Abroad, Ojibway Nation, Omak, Opetchesaht Nation, Organización Auiaro RUNA-OAR, Organización Regional de la Mujer Indígena, Pacific Concerns Resources Institute, Parlamento Indígena de América, Plain Indians Cultural Survival, Pro-Hawaiian Sovereignty Working Group, Çwich'in Nation - Canada, Rujetay Nobal Tinamit Maya Kagchi Kel, Kovyak Autonomy Region, Secretariat of the National Aboriginal and Islander Child Care Services, Secwdepenic Nation (Canada), Sengwer Cherangany Cultural Group, Shorsk People, Society of Pitcairn Descendants, Solomon Islands Traditional Council of Chiefs, South African !Xu and Khwe Trust, South American Indian Information Centre, Survie Touaregue Temoust, Teleut People, Tanganekald People, Taura Here o Te Whanganui Maori Kaumatuo Council, Terra (Costa Rica), Teton Sioux Nation Treaty Council, First Peoples of Kalahari Organisation, World Federation of Taiwanese Aborigines, Timoto Cuicto Choimo Tonol, Tonantzin Land Institute/Conic Navajo Nation Working Group Human Rights, Tremembé/Tapeba-Tucanos (Brazil), Tuvinien People, Tonuwharetoa Ki Mmatata, Union of British Colombia Indian Chiefs, United Indigenous Chiefs of Suriname, West Papua Peoples Front, Western Shoshone Government, Western Shoshone Nation, World Chakma Organisation, World Sidhi Congress, Yellowknives, Young Ambassadors Great Peace Pipe Ceremony.

12. The following organizations and groups were represented:

Afrikaners Volksfront, Anti-Racism Information Service, Asia-Pacific Task Force on Human Rights, Association de Soutien aux Nations Ameridiennes, Bank Information Centre Indigenous Peoples Project, Blanroy Negor - Madrid, Body Shop Foundation, Bringers of Peace, Bureau for Indigenous and Minorities, Centre de Documentation et Recherche et d'Information des Peuples Autochtones (DOCIP), Centre d'information et de documentation pour les peuples indigènes, Center for World Indigenous Studies, Centre de Recherches Interdisciplinaires en Anthropologie (Université de Strasbourg, Institut d'Ethnologie), Centro di Documentazione delle Etnie "Ernesto Balducci", Comite Belge-Amerique Indienne, Comite Exterior Mapuche, Congress of Traditional Leaders of South Africa (CONTRALESA), Conselho Indígenista Missionario, Democratic Progressive Party, Dutch Centre for Indigenous Peoples, European Alliance with Indigenous Peoples, European Parliament Green Group, Fourth World Centre for the Study of Indigenous Law and Politics, Frente de Danza Independiente, Friends Committee on National Legislation, Friends of Kashmir, Friends of Peoples Close to

Nature, Fundacion Yanantin, Health for Minorities, Human Rights Commission (Australia), Human Rights Commission (New Zealand), Human Rights Congress University of Uppsala (Sweden), Identite Amerique Andienne, Incomindios, Indian National Social Action Forum, Indigenous World, Institut de Recherche et de Documentation d'international de Quisqueya, Institut des minorités du Nord, Institute for Studies in Criminal Justice Policy (Simon Fraser University), Institute for the Advancement of Hawaiian Affairs, Institute of Public Health (University of Surrey), International Commission for the Rights of Aboriginal People, International Healing Centre, Kwia Support Group for Indigenous People, Lawyers for Human Rights, Mena Muria Human Rights Foundation (the Netherlands), Nanai Netherlands, Observatoire de Developpement et Droit de l'Homme, Pacifica Press, Planet Sud, Quaker Council of European Affairs, Race Relations Conciliator (New Zealand), Rehab Hope Fund, Inc., Rehoboth Baster Community, Rio Negro Komitee, Rock against Racism, Sahabat Alam Malaysia, Shimin Gaikoo Centre, South and Meso American Indian Rights, Stichting Papua Volken, Survival for the Lepers, Poor and Needy People - Society of Tanzania, Swissaid, Tribal Act, Twelve October Manifest, Unrepresented Nations and Peoples Organisation (UNPO), Verts Belgique, Working Group on Traditional Resource Rights, Yarowato.

13. In addition to the above-mentioned participants, 66 individual scholars, experts on human rights and human rights activists and observers attended the meetings. Among them was the United Nations Goodwill Ambassador and Nobel Prize Laureate, Mrs. Rigoberta Menchu Tum. More than 790 people attended the twelfth session of the Working Group.

Election of officers

14. At its 1st meeting, on 25 July 1994, at the proposal of Mr. Alfonso Martínez, seconded by Mr. Hatano, the Working Group re-elected by acclamation Ms. Erica-Irene A. Daes as Chairperson-Rapporteur for the eleventh time in succession.

Organization of work

15. At its 1st meeting, the Working Group considered the provisional agenda, contained in document E/CN.4/Sub.2/AC.4/1994/L.1. After an amendment, whereby, on the proposal of Mr. Alfonso Martínez, agenda sub-items 8 (a) and 8 (b) were changed to items 8 and 9, respectively, with the consequence that items 9 and 10 became items 10 and 11, the Working Group adopted the agenda.

16. The Working Group held 10 public meetings, from 25 to 29 July 1994. It decided to devote the 2nd and 3rd meetings to standard-setting activities. The 4th, 5th, 6th, 7th and part of the 8th meetings were devoted to the review of developments. Also during the 8th meeting the Working Group considered the second progress report on treaties, agreements and other constructive arrangements between States and indigenous populations, as well as commencing discussions on issues related to the International Decade of the World's Indigenous People, which continued during the 9th meeting. During part of the 9th and the 10th meetings the future role of the Working Group and the establishment of a permanent forum for indigenous people were considered. The last part of the 10th meeting was devoted to other matters. In accordance with established practice, the Working Group continued to meet in private during the subsequent session of the Sub-Commission for the purpose of finalizing its report and adopting the recommendations therein.

Documentation

17. The following documents were made available to the Working Group:

Provisional agenda (E/CN.4/Sub.2/AC.4/1994/L.1);

Annotations to the provisional agenda (E/CN.4/Sub.2/AC.4/1994/1/Add.1);

Information received on standard-setting activities from the Governments of Ecuador and Panama (E/CN.4/Sub.2/AC.4/1994/2);

Information received from indigenous peoples' and non-governmental organizations on standard-setting activities: Grand Council of the Crees (of Quebec), Black Hills Teton Sioux Nation and Indian Council of South America (E/CN.4/Sub.2/AC.4/1994/4); Inuit Tapirisat of Canada, Tupaj Katari Indian Movement and The Other Media (E/CN.4/Sub.2/AC.4/1994/4/Add.1);

Information received from indigenous peoples' and non-governmental organizations on the review of developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous populations: World Uranium Hearing, Andean Information Network, Dutch Centre for Indigenous Peoples and Amerindia for the Rights of the Indigenous Peoples (E/CN.4/Sub.2/AC.4/1994/7); Tremembé Mission, Services of the Mixe People and Committee to Save the Kolyma River Basin, Republic of Sakha (E/CN.4/Sub.2/AC.4/1994/7/Add.1);

Note by the Secretariat on the International Day of Indigenous People (E/CN.4/Sub.2/AC.4/1994/9);

Working paper by Mr. Alfonso Martínez on the future of the Working Group (E/CN.4/Sub.2/AC.4/1994/10);

Report by the secretariat on a permanent forum in the United Nations for indigenous people (E/CN.4/Sub.2/AC.4/1994/11);

Information received from Governments and indigenous organizations on the consideration of a permanent forum for indigenous people: Benin, Canada, Finland, Netherlands, Norway, Peru, Centro de Culturas Indias, Chirapaq and Instituto Qechwa Jujuy Manta (E/CN.4/Sub.2/AC.4/1994/11/Add.1); Mauritius, United Kingdom of Great Britain and Northern Ireland and Aboriginal and Torres Strait Islander Social Justice Commissioner of Australia (E/CN.4/Sub.2/AC.4/1994/11/Add.2);

Information received from indigenous peoples' and non-governmental organizations on other matters including meetings and seminars and the Voluntary Fund for Indigenous Populations: Indigenous Peoples Earth Charter Declaration and Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples (E/CN.4/Sub.2/AC.4/1994/12); "Tupay Katari" Indian Movement (E/CN.4/Sub.2/AC.4/1994/12/Add.1);

Note by the Chairperson-Rapporteur, Ms. Erica-Irene A. Daes, on the consideration of a permanent forum for indigenous peoples (E/CN.4/Sub.2/AC.4/1994/13);

List of indigenous organizations (E/CN.4/Sub.2/AC.4/1994/CRP.1);

Note by the International Labour Office (E/CN.4/Sub.2/AC.4/1994/CRP.2);

Information on a permanent forum for indigenous people from the Government of Denmark (E/CN.4/Sub.2/AC.4/1994/CRP.3);

Proposals and suggestions of the Technical Meeting on the International Year and the International Decade of the World's Indigenous People as prepared by the Chairman-Rapporteur, Ambassador Jorge Rhenán Segura, and the Vice-Chairpersons, Ms. Ingrid Washinawatok and Mr. Mikhail Todyshev (E/CN.4/Sub.2/AC.4/1994/CRP.4);

Guidelines for the establishment of a permanent forum of the world's indigenous peoples prepared by the Chairperson-Rapporteur, Ms. Erica-Irene A. Daes (E/CN.4/Sub.2/AC.4/1994/CRP.5);

List of attendance (E/CN.4/Sub.2/AC.4/1994/INF.1);

Note by the secretariat on the technical review of the United Nations draft declaration on the rights of indigenous peoples (E/CN.4/Sub.2/1994/2);

Draft declaration as agreed upon by the members of the Working Group at its eleventh session (E/CN.4/Sub.2/1994/2/Add.1);

Commission on Human Rights resolution 1994/26 on the International Decade of the World's Indigenous People;

Commission on Human Rights resolution 1994/28 on a permanent forum in the United Nations for indigenous people;

Commission on Human Rights resolution 1994/29 on the report of the Working Group on Indigenous Populations;

Study on the protection of the cultural and intellectual property of indigenous peoples, by Ms. Erica-Irene A. Daes, Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/1993/28);

Report of the Working Group on Indigenous Populations on its eleventh session (E/CN.4/Sub.2/1993/29);

Note by the Chairperson-Rapporteur of the Working Group on Indigenous Populations on the future role of the Working Group (E/CN.4/Sub.2/AC.4/1993/8);

First progress report on the study of treaties, agreements and other constructive arrangements between States and indigenous peoples by Mr. Miguel Alfonso Martínez, Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/1992/32);

General Assembly resolution 48/163 on the International Decade of the World's Indigenous People.

Adoption of the report

18. The report of the Working Group was adopted on ... August 1994.

I. GENERAL DEBATE

19. A representative of the Centre for Human Rights delivered the opening statement. He drew special attention to agenda item 7, entitled "International Decade of the World's Indigenous People", and referred to General Assembly resolution 48/163 of 21 December 1993 in which the Assembly had invited indigenous organizations and interested non-governmental organizations to consider the contributions they could make to the success of the Decade with a view to presenting them to the Working Group. He pointed out that the Commission on Human Rights in its resolution 1994/26 of 4 March 1994 had requested the Working Group to identify possible projects and activities for the Decade for submission, through the Sub-Commission, to the Commission on Human Rights at its fifty-first session.

20. He also drew the attention of the Working Group to item 8 of the provisional agenda concerning a permanent forum for indigenous people within the United Nations system and to Commission on Human Rights resolution 1994/28 of 4 March 1994, in which the Commission requested the Working Group to consider the possible establishment of such a forum.

21. In her opening statement, the Chairperson-Rapporteur stressed the achievements the Working Group had made over the years. She emphasized the unique features of the Working Group, which had developed into an action-oriented community of participants, members and observers alike. The Working Group, after the completion of the draft declaration was now changing the focus of its work from standard setting to implementation. This more operational approach would emphasize issues of development and social change with regard to indigenous peoples.

22. She identified agenda item 7, "International Decade of the World's Indigenous People", as containing the main task of the Working Group at its twelfth session. She stressed that the Secretary-General of the United Nations had expressly requested guidance from the Working Group in developing a plan of action for the Decade. She therefore called upon all participants to provide the Working Group with concrete and concise proposals for such a plan for the Decade. In particular, there was an urgent need to decide upon a format for the inauguration and a date for the International Day of the World's Indigenous People.

23. She said that under agenda item 8 the issues of a permanent forum for indigenous peoples and the effects of the establishment of such a forum on the role of the Working Group should be given equal importance. She stressed the fact that such a permanent forum should be representative and thus be based on the principle of democratic balance.

24. With regard to the draft declaration on the rights of indigenous peoples, she said that the Working Group should strive to ensure indigenous participation at meetings of the higher bodies of the United Nations when they discussed the draft, especially the Commission on Human Rights.

25. She referred to the preparatory process for the Cairo Conference on Population and Development, to be held in September 1994, which had adopted a separate chapter on indigenous peoples, and called upon indigenous representatives to intervene at the preparatory meetings of the World Summit on Social Development to ensure adequate attention to indigenous issues at that summit.

26. During the 10th meeting, the Working Group heard a message from the High Commissioner for Human Rights, which was read out by the Secretary of the Working Group. The High Commissioner regretted that he could not attend the meeting but assured the members and participants of the importance he personally attached to the cause of indigenous peoples. He commended the Chairperson-Rapporteur and the Working Group for creating a dialogue between indigenous peoples and the United Nations. Commenting on the draft declaration, he considered it to be a significant step towards ensuring the fundamental rights of indigenous peoples. During the International Decade the partnership established in the International Year should be translated into action in the areas of human rights, health and development, through technical assistance from Governments and United Nations bodies. Furthermore, he stated that indigenous participation at all levels must be strengthened.

27. The secretariat received a correction to the report of the Working Group on Indigenous Populations on its eleventh session (E/CN.4/Sub.2/AC.4/1993/29). Paragraph 65 should read: "Mr. Jackson voiced the concern of indigenous representatives, expressed at the informal consultations, that they not be addressed as indigenous people or populations in the Declaration. That was to destroy their collective basis and to continue colonial domination. They should be referred to as indigenous peoples".

28. During the twelfth session, the secretariat received a petition, signed by 82 indigenous participants, expressing concern about the participation of the Afrikaner Volksfront and the Rehoboth Baster Community because of alleged racist backgrounds.

29. In a letter dated 29 July 1994, the observer for Australia informed the Chairperson-Rapporteur of the Working Group that his Government took the view that Pitcairn descendants were not the indigenous people of Norfolk Island.

30. In her closing statement the Chairperson-Rapporteur reported that attendance at the 1994 session of the Working Group had been larger than ever: 44 observer Governments, 11 United Nations and intergovernmental organizations, 164 indigenous nations, organizations and communities, and 83 non-governmental organizations and a large number of individual experts and scholars had participated. In total, 790 people had attended the Working Group.

31. The Chairperson-Rapporteur said that the conclusion by the Working Group of consideration of the draft declaration did not signal the end of its legitimate interest in the text, nor did it mean that the standard-setting activities were exhausted. She reminded all participants that the members of the Working Group were independent experts and were interested in considering a comprehensive framework for the protection and promotion of the human rights and fundamental freedoms of indigenous peoples.

32. She stressed that the members of the Working Group considered the large amount of information presented by Governments and indigenous peoples under item 5, "Review of developments", as an integral part of their work. She further expressed her concern that serious violations of human rights affecting indigenous peoples continued to take place in some parts of the world. Concerning the future of the Working Group, she emphasized that it would continue to meet every year until the Economic and Social Council decided otherwise.

33. The Chairperson-Rapporteur referred to the International Decade and stated that it provided an opportunity to the United Nations to move from being a community of words to a community of actions. She expressed her gratitude to the secretariat, to the volunteers who had assisted during the session, and to DOCIP (Documentation Centre on Indigenous Peoples) and the Unrepresented Peoples Organization, which had done outstanding work by providing technical support to indigenous peoples.

34. The observer for Canada expressed deep appreciation to the Chairperson-Rapporteur for the excellent and constructive work she had accomplished and to the secretariat for its support during the twelfth session of the Working Group.

II. EVOLUTION OF STANDARDS CONCERNING THE RIGHTS OF INDIGENOUS PEOPLES

35. During the 1st meeting, the Chairperson-Rapporteur pointed out that the Sub-Commission had requested general comments on the draft declaration, explaining that those comments would not lead to formal changes to the draft declaration during the current session of the Working Group. At the 2nd meeting, the Working Group commenced consideration of agenda item 4.

36. During the discussion, a number of questions proved to be of particular importance to the participants. A great number of indigenous representatives and some government observers expressed their views on the issue of self-determination, the implications of the use of the word "peoples", plural, or "people", singular, and indigenous participation during the review of the draft declaration by the parent bodies of the Working Group.

37. A significant number of representatives of indigenous organizations expressed the view that the right to self-determination was the pillar on which all the other provisions of the draft declaration rested. Several indigenous representatives argued that article 31 of the declaration contained qualifying language that limited the right to self-determination, as laid down in article 3 of the declaration, by excluding the possibility of independence as a way of exercising that right or limiting the exercise to certain forms only. Those representatives argued that the article should be deleted; and some of them stated that if it were not deleted they could not support the draft declaration.

38. Other indigenous representatives argued that article 31 merely contained a reference to some possible forms of the exercise of the right to self-determination and did not qualify article 3 of the declaration and as such did not constitute an obstacle to their consent to the draft declaration. They argued that the declaration should be seen as a whole, whereby each article was interrelated with others in the declaration.

39. The representatives of several indigenous peoples, including the Nobel Peace Prize Winner, Mrs. Rigoberta Menchu Tum, stated that the draft declaration, although not responding to all their concerns, constituted a useful and important document. They interpreted article 31 as a minimum standard. One indigenous representative said that it was necessary to be pragmatic and to unite to get approval for the draft declaration as it passed through the higher bodies of the United Nations, especially through lobbying at the national level.

40. The observer for Denmark and the Greenland Home Rule Government said that she was pleased to see that article 3 had not been qualified to weaken it and that it specifically referred to the fact that indigenous peoples had the right to self-determination.

41. The observer for Brazil expressed his concerns on several of the articles and the general language of the declaration. He argued that the use of the word "peoples", in the plural, would allow interpretation to the effect that indigenous people would be beneficiaries of the right to self-determination. That interpretation would make indigenous peoples the subject of international law, which was inconsistent with existing national constitutional and international law. On the same basis, he objected to the incorporation of the right to self-determination in the declaration. Furthermore, he opposed the reference to autonomy and self-government in article 31 because it would exclude indigenous people from the national jurisdiction of the State. In concluding, he stated that the declaration should reflect a balance between the position of indigenous people and the Governments.

42. The observer for Canada stated his Government's support for the objectives of most provisions of the current draft, and the specific wording of many. Over the years, Canada had expressed concerns with certain provisions of the draft declaration. Those concerns had not been put forward as obstacles but for the purpose of ensuring that the principles contained in the draft would be clear and easily understood, as well as to ensure that they could accommodate the diverse circumstances of indigenous people worldwide. He stressed that Canada, as in the past, would strive to work with Governments as well as indigenous representatives in order to find constructive solutions to the issues which remained. He concluded by calling on other Governments to meet with indigenous groups living within their territories, to hear their views and to develop solutions to issues of mutual concern.

43. The observer for the United States of America said that her country could offer a working model of how indigenous rights could be recognized and implemented in domestic law. In the United States self-determination meant recognizing tribal self-governance and autonomy over a broad range of issues. In a speech on 29 April 1994 President Clinton had endorsed that concept of self-determination for tribal governments and had noted their unique government-to-government relationship with the Federal Government. She added that her Government hoped that the draft declaration could be adopted early in the Decade.

44. Several indigenous representatives said that the draft declaration was a significant step towards ensuring the implementation of minimum human rights standards for indigenous peoples, that it would serve as a manual of conduct for Governments and, as such, would be a tool that could be used in obtaining their rights at the national and international level.

45. With regard to the subsequent consideration of the draft declaration by the parent bodies of the Working Group, a number of indigenous representatives called upon the Working Group to ensure that indigenous participation would be safeguarded during that review process to allow representatives of indigenous peoples without consultative status to continue to be involved in the drafting of the declaration. A number of government observers, including those of Australia, Canada, Chile, Denmark, New Zealand, Norway and Sweden, considered that the participation of indigenous peoples when the Commission examined the draft declaration was of vital importance.

46. The Federal Minister for Aboriginal and Torres Strait Islander Affairs of the observer Government of Australia, Mr. Robert Tickner, stated that Australia would make a proposal to the Commission on Human Rights that the normal rules regarding non-governmental participation in the deliberations of working groups of the Commission be modified in that particular instance to ensure the participation of indigenous peoples' organizations, without regard to consultative status. That proposal was endorsed by a number of indigenous representatives. To facilitate the process, Australia would propose that any working group set up by the Commission should be scheduled to meet immediately before the session of the Working Group, so as not to allow a lack of resources on the part of indigenous organizations to be an obstacle to their participation in the continued drafting process.

47. The Minister informed the Working Group that, in order for the Working Group to give full effect to its existing mandate in the area of standard-setting, the Australian Government proposed a broadening of the Working Group's approach, so as to include analytical commentaries and suggestions as input to the consideration by other United Nations bodies of the draft declaration, reviewing other international standard-setting activities relevant to indigenous peoples and reviewing standard-setting developments at the national level.

48. In addition, he informed the Working Group that the Aboriginal and Torres Strait Islander Commission had suggested that the Working Group could elaborate other specific instruments, could consider the questions of the cultural and intellectual property of indigenous peoples, provide comments and review instruments, guidelines and reports generated by other United Nations forums that involved indigenous issues, and develop an international convention on indigenous rights, based on the draft declaration. The idea of developing a convention based on the draft declaration was also brought forward by other indigenous representatives.

49. An indigenous representative from the Asian region stated that the absence of a definition of indigenous peoples could create confusion in identifying indigenous peoples and be used as an excuse by Governments to deny indigenous peoples, through mis-categorization, the rights laid down in the declaration. He called for an explanatory note on that issue, based not just on the concept of decolonization, but on the social context of oppression and self-identification. Another indigenous representative from the same region recommended the use of the term "tribal peoples" in the draft declaration.

50. Several views were expressed on the time frame within which the draft declaration was supposed to be considered by the parent bodies of the Working Group. Some indigenous representatives had no objections to a speedy consideration, since that would enhance the protection of indigenous rights. Many indigenous representatives expressed the need to secure effective participation of indigenous peoples in the Commission's deliberations on the draft declaration. The Australian Minister argued that until the draft declaration was adopted by the General Assembly it would have little effect on the policies of Governments. Other indigenous representatives called for a more cautious approach in order to ensure careful consideration by the different parent bodies and to allow indigenous input.

51. An indigenous representative called upon the Working Group to urge its parent bodies to develop temporary measures to ensure the protection of indigenous rights during the period the draft declaration was being reviewed by those bodies.

52. The observer for Honduras stated that the provisions in the declaration dealing with women's and girls' issues were inadequate to cover that important matter. She called for the development of an extensive set of articles on the issue, in order to provide adequate protection to that extra-vulnerable section of indigenous societies.

III. REVIEW OF DEVELOPMENTS PERTAINING TO THE PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF INDIGENOUS POPULATIONS

53. In introducing the item, the Chairperson-Rapporteur stressed its importance and noted that participants had an opportunity to give information and data about recent developments which might be of interest to the members of the Working Group and to other participants which would help to provide an understanding of the situations faced by indigenous peoples around the world. She urged participants not to treat the Working Group as a chamber of complaints for specific human rights allegations, since it had no competence in that respect.

A. General principles

54. Many indigenous representatives reported on the continued denial of the right to self-determination to their respective peoples. While some acknowledged progress in that respect, most gave accounts of continuing situations of oppression, persecution and assimilation.

55. An indigenous representative from Asia drew an oral sketch of genocide and ethnic cleansing leading to displacement, leaving his people scattered over 50 refugee camps, without land or representation and therefore, with only a minimal chance of exercising the right to self-determination. Another referred to a military presence of 50,000 soldiers and 400,000 non-indigenous immigrants.

56. Yet another indigenous representative stated that when, recently, his people had started returning to the peninsula from which they had been deported decades earlier, their presence had been opposed by settlers who had

occupied the land. A spokesperson for several indigenous communities explained that, a joint peace accord had been signed with the Government recently after a civil war. The Government had taken certain obligations upon itself, but had so far not implemented one of those obligations.

57. Other indigenous representatives stated that their respective Governments used the lack of a definition of "indigenous peoples" in international law as an excuse for identifying them as "national minorities" and for denying their political status and rights as indigenous peoples. Another representative, warned about the danger of including the wrong groups and excluding legitimate groups in the event of the elaboration of a definition of "indigenous peoples". The Chairperson-Rapporteur said that in the future the Working Group could elaborate a new working definition of "indigenous peoples"; in the meantime participants were requested to refer to the working definition contained in the study of the problem of discrimination against indigenous populations prepared by the Special Rapporteur, Mr. Martínez Cobo (E/CN.4/Sub.2/1986/7/Add.4).

B. Life, integrity and security

58. Numerous accounts were given of situations where the very existence of indigenous peoples was at stake through genocide, mass murder, imprisonment, forced immigration, military oppression, and poor health and social conditions leading to high infant mortality, suicide and detention rates, and alcoholism.

59. An indigenous representative from the Pacific region mentioned a survey that predicted that his people would be extinct by the year 2024, unless immediate measures were taken to solve their problems. Another representative reported on the use of chemical weapons against his people. Several representatives from different regions reported on the effects of nuclear testing on their territories. Not only did it harm the environment in which they lived but it also threatened their very existence as a people, by causing infant deaths and irreparable damage to their health.

60. An indigenous representative from Africa described how the lands of his people had been sealed off during a civil war, alien laws imposed that prevented the exercise of traditional practices, and his people put in camps. Several representatives criticized the, so-called, HUGO project involving the collection of genetic samples from indigenous people, which they considered unethical and immoral. They called for the project to be stopped immediately, and the genetic materials gathered so far to be returned immediately.

61. Another indigenous representative drew attention to a report on the dismal situation of those of his people who were held in custody. Despite the details given in that report, the Government in question had not responded to its contents or remedied the causes of that situation. Many indigenous representatives indicated that the only solution they saw for the eradication of such problems was the implementation of their right to self-determination.

62. The observer for Brazil explained in detail how his Government had proceeded in investigating the killing of 16 Yanomami indians. An investigation by the Federal Police had found that the underlying cause of the massacre was a conflict between the Yanomami and goldminers in the area.

An ad hoc bilateral committee had been set up by the Governments of Brazil and Venezuela. Based on its findings five persons had been indicted and charged with genocide, illegal mining, smuggling, hiding of corpses and damaging of indigenous patrimony. During the second meeting of the ad hoc committee an in situ fact-finding mission had been undertaken and information had been exchanged between the two countries.

C. Culture, religious and linguistic identity

63. An indigenous representative described how artifacts had been removed by a government-endorsed archaeological expedition without the consent of the community concerned. Other indigenous representatives also delivered statements on the destruction of their cultural monuments and the desecration of their burial grounds.

64. Accounts were given of the denial in many instances of the use of indigenous languages. Statements were made on how indigenous peoples are denied the right to use their language in courts, in administrative procedures and in daily life and on how cultural development was hampered by a lack, on the respective governments' side, to provide the necessary resources. Several indigenous participants complained that their cultures were still portrayed only as folklore. A representative from Africa reported on how research projects and seminars dealing with his people's culture and language were banned. Some indigenous observers called for the freedom to develop their identity on their own terms.

D. Education and public information

65. Many indigenous representatives spoke of the difficulty of access to national education systems, mostly due to structural limitations and lack of resources. Some indigenous representatives referred to the total absence of educational institutions where indigenous languages were taught. Many stressed the need for bilingual education, in the absence of which some indigenous communities had started setting up their own schools with special indigenous curricula, publications and newspapers.

66. The observer for New zealand mentioned that the Government of New Zealand had allocated increased resources for the education of indigenous peoples and the observer for Chile said that his Government had set up a foundation with the sole purpose of arranging bilingual education services.

67. A frequently heard complaint from indigenous observers was misrepresentation by the media of indigenous peoples. Some indigenous representatives mentioned how they had set up their own media structures and press network to facilitate the preservation of their identity through information and education.

68. An indigenous observer from The Pacific region described how, in view of the absence of or inappropriateness of national legislation, the national media of his country had formed a press council, which had adopted a code of conduct. Similarly the Federation of Radio Broadcasters had produced a

Commercial Radio Code of Practice and had developed guidelines on the portrayal of indigenous peoples. However, according to the observer, they fell short of articles in international instruments prohibiting the advocacy and incitement of discrimination, articles which had been the subject of reservations upon ratification of the instruments by his Government. That situation allowed the media to portray his people as political and social villains.

E. Economic and social rights

69. An indigenous representative from the Russian Federation gave a statement in which she spoke of the disappearance of the possibility of engaging in reindeer herding, her people's traditional subsistence activity, due to environmental degradation of the land, which led to impoverishment and difficult social conditions. An average family had to live in a house of between 32 and 42 square metres. Such cramped living conditions led to high rates of tuberculosis, alcoholism and suicide. An indigenous representative from Asia explained that a logging company in his area did not make use of indigenous labour and that more than 90 per cent of employees were immigrants. He also said that the indigenous people who were employed by the industry received lower wages and were discriminated against in the distribution and quality of housing.

70. Several indigenous representatives mentioned the occurrence of high unemployment rates in their indigenous communities due to lack of education, structural problems and discrimination. Many representatives of indigenous organizations called for the development and implementation of programmes to address the economic and social problems of indigenous peoples. Some considered that international agencies like the World Bank should take indigenous issues into account in the development and implementation of their programmes.

71. In that regard, the observer of the World Bank called for a dialogue between indigenous peoples and his institution. He stated that the diversity of indigenous peoples often made it difficult to reflect their needs in development schemes. To solve that problem the observer suggested that consultation mechanisms should be established, indigenous land and resource rights recognized and indigenous subsistence lifestyles secured. He added that using existing indigenous institutions, instead of creating new ones, strengthened the local capacity to solve problems and finance indigenous development. He said that the World Bank should make sure that development programmes did not adversely affect indigenous peoples, should share experience with indigenous peoples and should support indigenous development projects. According to the observer such a policy made good economic, environmental and development sense.

72. The observer for Australia reported on the development of a social justice package. The Prime Minister had asked the Aboriginal and Torres Strait Islander Commission and the Council for Aboriginal Reconciliation to prepare reports with ideas on that issue. Those reports would form the basis for further deliberations on a social justice package.

F. Land and resources

73. Many indigenous representatives spoke about the loss and seizure of their lands. The circumstances leading to loss of land were numerous. Some spoke about constitutions and laws that specifically allowed the seizure of land, for example by not recognizing the notion of collective ownership or by declaring all untitled lands, in reality used by indigenous peoples, to be State property. Others said that, in spite of legal protection, their lands had been taken anyway. A representative from Africa mentioned how his people's land had been taken for the establishment of game reserves and national parks. In many cases, indigenous representatives claimed, no compensation had been provided.

74. A number of indigenous representatives spoke of the seizure of their land and resources in violation of treaty rights. Some representatives reported on how their Government was only willing to negotiate with nations on the condition of a voluntary extinction of their land rights.

75. The observer for Canada stated that his newly elected Government sought to solve the issue of self-government through negotiations aimed at finding solutions falling within the Constitution and taking into account the different circumstances of the different cases. He reported on the progress made in the establishment of Nunavut and also on legislation being approved for the Yukon First Nations, the Sahtu Dene and Metis.

76. The observer for Brazil said that it should be recognized that the demarcation of indigenous lands constituted the main priority of his Government. At present, 272 indigenous areas, approximately 62 per cent of all indigenous areas, had been demarcated. In the previous 12 months alone, 17 indigenous territories, accounting for 5.4 million hectares, had been ratified by the President.

77. The observer for Australia reported on the implementation efforts relating to the Native Title Act, which had come into force on 1 January 1994. That Act protected those Aboriginal and Torres Strait Islander peoples who had been able to hold their land according to their customs and traditions and had not been dispossessed. Part of the Act established a Land Fund whose resources would be invested to create a self-sustaining fund for the acquisition and management of both existing and newly acquired land, benefiting all indigenous peoples, including those without land. An indigenous representative stated that the Act had been passed without indigenous views being incorporated in it, and that the Fund was administered by government officials.

78. The observer for New Zealand said that his Government had set up a mechanism to provide for consultation with indigenous peoples when the Government wanted to sell surplus land it owned, thereby recognizing that some of those lands might be of historical, cultural or spiritual significance to them. So far, 332 properties had fallen within the protection mechanism. Furthermore, his Government was considering the desirability and possibility of allocating a specific budget to meet expenses related to land claims by indigenous peoples under the Treaty of Waitangi.

79. With regard to lands and resources, many indigenous representatives spoke of the legal and environmental consequences of extraction of surface and sub-surface resources. Some spoke of violations of their treaty rights in connection with nuclear testing and storage of nuclear waste, without their consent, on their lands. Others spoke of the environmental degradation caused by mining, logging, the building of dams and other industrial activities on their lands, frequently undertaken by multinationals with government contracts.

80. An indigenous representative from Asia referred to a report in which it was stated that the rate of deforestation caused by the logging industry in his particular area was four times greater than could be sustained environmentally. Another representative from the same region stated that of the land available, 49 per cent was used for logging, 15 per cent for plantations, 10 per cent by indigenous peoples and the rest was State-owned. An indigenous representative from the Russian Federation reported on the ecological consequences of the building of a hydroelectric station on a river in his area. The impact of the station had been such that his people were now "ecological refugees".

81. The observer for the Philippines spoke of how her Government, recognizing the danger represented by mining, had implemented regulations. First, an environmental impact study was required by law. Second, proof had to be submitted of the mining activity's acceptance by the communities affected by it, and third, a contribution had to be made to the Environmental Guarantee Fund to ensure rehabilitation programmes. Only after all three requirements had been complied with was a certificate issued allowing the project to go ahead. During the undertaking of the project, government experts monitored its environmental effects.

G. Indigenous institutions

82. As stated earlier, many indigenous representatives spoke of violations of their treaty rights, either directly or indirectly, through the taking of land, industrial activities causing environmental damage, unilateral extinction and the imposition of national legal regulations.

83. Many indigenous representatives reported on how they had set up their own institutions in view of lack of access to, or inadequate, media and education structures. Some indigenous representatives called for the establishment of a world organization of indigenous scientists. A preparatory meeting on this question took place during the session of the Working Group.

84. The observer of the Aboriginal and Torres Strait Islander Commission spoke on the development of her organization. She reported on progress in the process of decentralization, giving more powers to the regional councils, and mentioned the establishment of a separate regional authority for the Torres Strait. There had been a 9.2 per cent increase in the budget allocation for 1994-1995 and 85 per cent of the budget would be spent on programmes. With the appointment of a woman to the position of Chief Executive Officer, both the administrative and representative branches of the organization were now headed by women.

85. An indigenous representative from Oceania spoke on the position of women in indigenous decision-making structures. She noted an underrepresentation of women and reluctance on the part of men to allow women their rightful place. She was supported in her views by several other indigenous representatives.

H. Implementation

86. The representatives of several indigenous organizations spoke of the lack of implementation of laws or programmes aimed at securing their position or improving indigenous peoples' situation, especially with regard to land demarcation and treaty rights.

87. One indigenous representative criticized her Government's implementation of a high court decision dealing with indigenous title to land. She alleged that implementation was carried out by non-democratic civil servants and that land claims were delayed at national and regional levels. She stated that national and provincial cultural heritage protection was insufficient.

88. An indigenous representative from Latin America reported on a total lack of implementation of constitutionally protected cultural rights. An indigenous representative from the Russian Federation spoke of how problems were "solved" by outsiders, without the consultation of indigenous representatives, and of the total absence of legal machinery to redress their grievances.

89. The observers of Australia, Brazil, Canada and New Zealand all reported on the progress made in implementing measures aimed at securing the land rights of their respective indigenous peoples.

90. The observer from the Belgian Senate reported on a resolution of the European Parliament. He said that in some respects the language in that resolution was stronger than that in the draft declaration, especially in the case of provisions relating to land and treaties. The European Parliament had called for the development of a Commission policy and the allocation of funds. He criticized the lack of implementation in certain countries once laws were in place.

91. The observer of the International Labour Organisation reported on the supervisory mechanisms for countries which had ratified International Labour Organisation Conventions 107 and 169. He also reported on technical assistance programmes of the International Labour Organisation, which was currently providing assistance in drafting legislation for the indigenous peoples in the Russian Federation, and was helping the Government of Guatemala to devise a policy and institutional framework to solve the problems faced by the indigenous peoples in that country.

IV. CONSIDERATION OF THE SECOND PROGRESS REPORT OF THE SPECIAL RAPPORTEUR OF THE SUB-COMMISSION ON TREATIES, AGREEMENTS AND OTHER CONSTRUCTIVE ARRANGEMENTS BETWEEN STATES AND INDIGENOUS PEOPLES

92. In introducing the agenda item the Chairperson-Rapporteur praised the Special-Rapporteur, Mr. Alfonso Martínez, for his valuable work so far.

93. The Special-Rapporteur regretted to inform the Working Group that he had been unable to implement Sub-Commission decisions 1992/110 and 1993/110 and was not able to provide his second progress report. This was largely due to his inability to cope with the large amount of information he had received and to process it within the time-frame foreseen. He offered to present his second progress report, which would be generally descriptive, in 1995 and his final report, which would be more detailed, in 1996. He thanked his consultant, Dr. Isabelle Schulte-Tenckhoff, for the invaluable work undertaken by her and all those who had provided him with information. He referred especially to four conferences whose proceedings had been very helpful to his work.

94. The observer for Australia stated that the Government of Australia had hoped that the Special Rapporteur's final report would have been of help in developing an instrument of reconciliation between his Government and the indigenous peoples of his country. He urged that the report be completed for the thirteenth session of the Working Group on Indigenous Populations. He hoped that the final report would contain a comparative analysis of instruments used by indigenous peoples to protect their interests and concrete recommendations for future action.

95. Several indigenous representatives expressed their concerns about the fact that the second progress report could not be presented and gave accounts of treaty violations, ranging from general extinction of treaty rights to more specific violations, such as nuclear testing or storage of nuclear waste on indigenous lands.

96. Suggestions were made by indigenous representatives from Africa that specific treaties which affected their legal position be looked into. A more general suggestion was made that research into the role of the Holy See in the establishment of treaties in the sixteenth and seventeenth centuries be undertaken. An indigenous representative from the Russian Federation noted a gap in the first progress report with regard to treaties from Eastern Europe and Russia and expressed the hope that the Special Rapporteur would include such data in further reports. Many indigenous representatives offered their assistance to the Special Rapporteur in order to facilitate his work.

97. The Special Rapporteur thanked the participants for their expressions of understanding, said that he would look into the suggestions made by the various indigenous representatives and thanked them for their offers of assistance. With reference to the comments by the observer for Australia, he considered that it would be more realistic to foresee the submission of his second progress report in 1995 and his final report in 1996.

V. INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE

98. At the 8th meeting, the Chairperson-Rapporteur suspended the discussions of agenda item 5 in order to allow Mr. Segura, Chairperson of the Technical Meeting, the Assistant Secretary-General for Human Rights, and the Goodwill Ambassador of the International Year, Mrs. Menchu Tum, to make introductory statements on agenda item 7, entitled "International Decade of the World's Indigenous People". The discussion under this item took place at a later stage during the 8th meeting.

99. Ambassador J. Rhenan Segura of Costa Rica, in his capacity as Chairperson-Rapporteur of the Technical Meeting on the International Year and the International Decade of the World's Indigenous People, which took place from 20 to 29 July 1994, reported on the outcome of this meeting. He referred to Conference Room Paper 4, which contained the proposals and suggestions tabled at the Technical Meeting. He explained that the paper was divided into four parts. The first part dealt with the objectives of the Decade, the second with the activities of the main actors, the third contained fund-raising proposals and the fourth dealt with short-term activities.

100. Since the Assistant Secretary-General for Human Rights, who is also the Coordinator of the International Decade of the World's Indigenous People, had not been able to attend the opening of the twelfth session of the Working Group, he began his statement by welcoming all participants. In his statement he concurred with the Chairperson-Rapporteur that the time had come for the international community to move from being a community of words to a community of action. He continued by saying that in the resolution proclaiming the Decade, the General Assembly had recalled that the goal of the Decade should be the strengthening of international cooperation for the solution of problems faced by indigenous people in areas such as human rights, the environment, development, education and health. To achieve that, the Assistant Secretary-General called for the adoption of the draft declaration by the General Assembly and the development by the United Nations system of specific programmes for and with indigenous people.

101. The Assistant Secretary-General expressed his appreciation to the Chairman-Rapporteur and the two indigenous Vice-Chairpersons for the work undertaken during the Technical Meeting. He noted that the Technical Meeting had produced some useful proposals but that the planning of the Decade was an ongoing process. Two matters required immediate attention: the format of the inauguration of the Decade and the date of the proposed International Day of Indigenous People. With regard to the first matter, he proposed to convene with United Nations agencies a one day workshop at United Nations Headquarters for indigenous people, to request the General Assembly to provide an opportunity for an indigenous representative to address the General Assembly, and to organize a pledging conference.

102. The Goodwill Ambassador of the International Year of the World's Indigenous People said that the development of a plan of action for the International Decade implied the closing of the gap between indigenous peoples and the United Nations system. In that respect, she drew attention to the proposals contained in the document submitted by Indigenous Initiative for Peace to the Technical Meeting on the International Year and Decade (E/CN.4/AC.4/1994/TM.4/CRP.7). The interest shown by indigenous peoples was a sign of the wish for real participation. To ensure the success of the Decade, both a governmental and an indigenous plan should be developed, resources from the regular budget of the United Nations should be made available, full cooperation between the actors was required and specific goals should be set. In that respect she referred to the setting up by the United Nations Educational, Social and Cultural Organization of the goal of reducing illiteracy amongst indigenous people by 50 per cent. With regard to the date of the International Day, she proposed 9 August, being the anniversary of the

first day of the first meeting of the Working Group in 1982. With regard to the Voluntary Fund for the International Decade she suggested that it should be jointly administered by indigenous and non-indigenous actors.

103. The observer for Brazil regretted that the proposals tabled by Ambassador Segura were not action oriented enough and were hardly related to the goals of the Decade. He found the plan biased towards indigenous peoples, for which he blamed the secretariat. Furthermore, he stated that the inclusion of controversial issues, such as self-determination, did not contribute to the development of a constructive plan.

A. Comments and proposals of the members of the Working Group

104. In her introductory statement the Chairperson-Rapporteur analysed General Assembly resolution 48/163 and emphasized that the goal of the Decade was to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health. The International Decade offered an opportunity to indigenous peoples to influence the international organizations and the world community. She also mentioned that as her contribution to the Decade, she had prepared a note (E/CN.4/Sub.2/1994/52) which, inter alia, contained a thematic structure for the Decade and a programme of activities at the international and national levels.

B. Activities of the Coordinator

105. Several indigenous representatives commented that realization of real participation of indigenous peoples at all levels of decision-making should be the main aim of the International Decade. It should produce real change in the economic and social situation of indigenous peoples. They called on the Coordinator to aim for development through self-determination, taking into account the indigenous ideas on development. In order to achieve that goal the Coordinator should coordinate all activities, especially those of the United Nations agencies, and concentrate on activities at the local level. Some indigenous representatives called for the establishment of national committees and the appointment of regional coordinators.

106. While some indigenous organizations advanced the idea of organizing theme years, others disagreed with this approach, since it was not in line with the indigenous view of a holistic world. Several called for the establishment of a communications network to ensure the proper provision of information and facilitate the media being able to inform the public in a fair way. Many indigenous representatives wished to see the name of the International Decade changed to "International Decade for the Rights of Indigenous Peoples".

C. Activities of the United Nations system

107. As stated above, indigenous representatives expressed repeatedly the wish that the United Nations system should focus now on development. They called for immediate actions sufficiently financed from the regular budget of the United Nations and its various organizations. Some indigenous representatives called for the establishment of a conflict resolution mechanism. An indigenous representative from Asia called on the United Nations to set up

two meetings in Asia during the Decade on indigenous issues, in order to facilitate the creation of dialogue between indigenous peoples and the Governments in that region. Others called for the establishment of a permanent forum for indigenous peoples within the United Nations during the Decade.

108. The observer for the International Labour Organisation (ILO) outlined his organization's ideas for the Decade. He gave his assurance that ILO would work in close cooperation with the Coordinator and continue its work on the implementation of ILO Conventions 107 and 169. He informed the Working Group that ILO would convene a meeting of United Nations agencies to coordinate practical activities and develop guidelines on technical assistance to indigenous peoples. Other entities would also be invited, to ensure coordination beyond the United Nations system.

109. The observer for Brazil said that he would like United Nations bodies and regional organizations to develop action plans at the level of their governing bodies.

D. Indigenous activities

110. Many indigenous representatives stated that the input of indigenous peoples themselves would hinge on whether or not they were allowed access to the relevant organizing bodies and received adequate resources. Resources should be made available directly to indigenous communities to develop activities.

111. The setting up of some sort of organization of indigenous scientists was mentioned by some indigenous representatives as a possible activity during the Decade.

E. Voluntary Fund for the International Decade

112. Representatives of indigenous organizations and government observers alike agreed that the success of the Decade would greatly depend on a sound financial plan. In that respect, the observer for Canada remarked that the functioning of the Voluntary Fund of the International Year of the World's Indigenous people should be evaluated and that clear aims for the functioning of the Voluntary Fund for the International Decade should be set.

113. Indigenous representatives expressed the view that the success of the Decade could only be ensured if resources from the regular budget were made available. Some insisted that the Fund should be jointly administered by indigenous peoples and Governments. It was announced that the Aboriginal and Torres Strait Islander Commission had decided to contribute ten thousand Australian dollars to the Fund. The observer for Brazil said that more emphasis should be placed on bilateral financing in the form of technical assistance.

F. International Day of Indigenous People

114. Many indigenous representatives agreed that 9 August would be the most appropriate date for the International Day of Indigenous People, since it marked the beginning of the first formal contacts between the United Nations and indigenous peoples.

G. Inauguration of the International Decade

115. Several indigenous participants agreed that the Decade should be inaugurated at United Nations Headquarters in New York on 9 December 1994 with a presentation on behalf of indigenous peoples. They stressed, however, that government representatives should show some courtesy on that occasion and not leave the Assembly Hall, as had happened during the inauguration of the International Year. Indigenous representatives also welcomed the proposal to hold a meeting of United Nations agencies at around the same time, with the aim of informing indigenous peoples on how to access those bodies. Some indigenous participants considered that, in addition, national and local activities should be organized.

VI. THE FUTURE ROLE OF THE WORKING GROUP

116. Under the item, Mr. Alfonso Martínez introduced the working paper he had been requested to submit by the Working Group (E/CN.4/Sub.2/AC.4/1994/10). Most indigenous representatives stated that the establishment of a permanent forum for indigenous peoples should not diminish or call into question the Working Group. The majority spoke in favour of a broadening of the mandate of the Working Group, and argued that its present work was not exhausted.

117. Several indigenous representatives mentioned that the Working Group should start developing a convention on the rights of indigenous peoples, based on the draft declaration, and should continue its work on the important studies undertaken and, when appropriate, develop new studies.

118. With regard to a broadened mandate, the following suggestions were tabled. The Working Group could be charged with monitoring and evaluating the International Decade, could develop a complaints procedure and examine particular situations not necessarily limited to the issue of human rights. Some indigenous representatives called for a broadening of its membership to include indigenous people. One specific proposal was for five indigenous members and an expansion of the time allotted. The observer for New Zealand also proposed that the Working Group should include indigenous representation.

119. The observer for the International Labour Organisation suggested that the Working Group could take on more issues related to implementation. It might focus more on situation reports and could discuss ILO reports on Conventions 107 and 169.

VII. CONSIDERATION OF A PERMANENT FORUM FOR INDIGENOUS PEOPLES

120. The observer for Denmark referred to a paper in which the Government of Denmark's views on the permanent forum were set out (E/CN.4/Sub.2/AC.4/1994/CRP.3). The paper addressed the major questions relating to the establishment of a permanent forum for indigenous peoples. The observer mentioned the question of indigenous participation in its establishment, its role vis-à-vis the Working Group, its mandate, its place within the United Nations system, its membership and the question of finance. The paper had been much appreciated by other participants, including Working Group member Mr. Alfonso Martínez, in particular because it covered all the main aspects of the question of the permanent forum.

121. Most representatives of indigenous organizations and Governments who spoke on the issue said that the establishment of a permanent forum should have no repercussions for the continued existence of the Working Group.

122. Indigenous observers called for a permanent forum with a broad mandate covering not only human rights issues but also economic, social and cultural issues, as well as development. In addition, more specific proposals on that issue were tabled. Various indigenous representatives called for the inclusion in the permanent forum's mandate of conflict resolution, urgent action measures, complaints procedures, implementation and monitoring of international instruments, advisory services and technical assistance to United Nations bodies and the initiation and undertaking of thematic or situation reports.

123. With regard to the position of the forum within the United Nations system, some indigenous representatives called for as high a position as possible, while others were more specific in wanting it to be placed under the Economic and Social Council to ensure real influence and the possibility of follow-up measures. The representative of one indigenous organization suggested that the former Centre against Apartheid could be considered as a model for the functions and activities to be assigned to the permanent forum.

124. Observers from indigenous organizations called for equitable representation of indigenous and non-indigenous actors in the forum. One indigenous proposal was to have 5 government representatives, 5 individual experts and 10 indigenous representatives, while another mentioned 8 indigenous and 7 government representatives. A number of indigenous representatives stated that indigenous participation in the forum should be based on the principle currently used by the Working Group, which was that consultative status with the Economic and Social Council was not necessary in order to attend the sessions. Some indigenous representatives called for financing of the forum from the regular budget.

125. The observer for Australia suggested that the Working Group should propose to the Economic and Social Council that it set up a task force to look into questions relating to the establishment of a permanent forum. He said that the mandate of the forum should cover all indigenous issues and should coordinate all relevant United Nations activities.

126. The observer for New Zealand stressed that her Government, because of the financial situation of the United Nations, was hesitant to establish another body in the United Nations and therefore requested careful consideration of the issue.

127. The observer for Malaysia shared the concerns about finance voiced by the observer for New Zealand and warned that funds could be diverted from existing activities. He pointed out that the Working Group had a permanent mandate which, if it were broadened to cover all issues of indigenous development, could make the establishment of a separate forum and a unit within the Centre for Human Rights unnecessary.

128. The observer for Uruguay made a statement on behalf of Brazil, Nicaragua, Panama and his own Government. He argued that the Working Group had an ad hoc mandate, which had to be renewed annually. That mandate could be made permanent and broadened to encompass other issues besides human rights, such as health and development, and the power to make recommendations to other United Nations bodies.

129. The observer for Chile stated that the permanent forum should have a different structure from that of existing bodies within the United Nations system. He underlined that the decisions taken by that body should be binding on States, as the only way of giving formal attention to the problems of indigenous peoples. Otherwise, the study of the issue would only be of a declaratory-deliberative nature, without creating obligations for Governments. Furthermore, indigenous peoples should have very active participation in the constitution of the permanent forum.

130. Mr. Alfonso Martínez referred to document E/CN.4/Sub.2/AC.4/1994/10 and said that the functioning of the Working Group did not require an annual renewal of its mandate. It was his view that the Working Group should maintain its independent status and that the forum should have distinct functions from that of the Working Group.

VIII. OTHER MATTERS

Voluntary Fund for Indigenous Populations

131. The Chairperson-Rapporteur of the Board of Trustees of the Voluntary Fund for Indigenous Populations, Mr. Augusto Willemsen-Diaz, announced that the Voluntary Fund had enabled 43 recipients from 25 countries, among them 15 women, to come to Geneva and attend the Working Group. He pointed out that four of the five Board members were indigenous and that the Board made all its decisions by consensus. He thanked all Governments and non-governmental organizations that had made contributions to the Fund.

132. With regard to a permanent forum, the Board, at its seventh session in April 1994, had considered that the possible creation of such a forum posed the more general question of growing indigenous participation in bodies other than the Working Group. The Board expressed its willingness to act as a central body to arrange and decide on travel grants, should there be funding available, whether ad hoc or otherwise. Members of the Board were fully aware that that would require a revision of its mandate as contained in General Assembly resolution 40/131. The Board had called for indigenous participation in the United Nations at higher levels than at present and, in fact, at all levels where issues affecting the lives and rights of indigenous peoples were discussed.

IX. CONCLUSIONS AND RECOMMENDATIONS

A. Standard-setting

133. The representatives of indigenous peoples and government observers expressed their general views on the draft United Nations declaration on the rights of indigenous peoples, which had been agreed on by the members of the Working Group at its eleventh session (E/CN.4/Sub.2/1994/2/Add.1). The members of the Working Group were of the opinion that the text transmitted to the

Sub-Commission was comprehensive and reflected the legitimate aspirations of indigenous peoples as a whole, as well as a number of suggestions and concerns advanced by observer Governments.

134. The Working Group reviewed with appreciation the technical review of the draft United Nations declaration on the rights of indigenous peoples prepared by the Centre for Human Rights (E/CN.4/Sub.2/1994/2) and was satisfied as to the legal sufficiency of the draft and its consistency with the guidelines for new human rights instruments set forth in General Assembly resolution 41/120.

135. The Working Group recognized the desire expressed by a majority of the indigenous peoples to move as soon as possible to the consideration and approval of the draft declaration by the competent superior bodies and organs of the United Nations, beginning with the Sub-Commission and the Commission on Human Rights. In that regard, the Working Group recalled the interest of certain Governments in the speedy completion and political review of the draft, as expressed in, inter alia, General Assembly resolution 45/75, Commission on Human Rights resolution 1993/30, and the Vienna Declaration and Programme of Action.

136. The Working Group accordingly suggested that the Sub-Commission, which had had the opportunity to review and comment on the progress of the drafting each year as reflected in the reports of the Working Group's sessions, submit the text contained in document E/CN.4/Sub.2/1994/2/Add.1 as soon as possible to the Commission on Human Rights.

137. The Working Group further recommended that the Sub-Commission urge the Commission on Human Rights to take the necessary steps to expedite the consideration of the draft declaration and to take effective measures at its fifty-first session to ensure that representatives of indigenous peoples were able to participate fully in the consideration of the text by the Sub-Commission, if necessary, and the Commission. It also recommended to the Commission, through the Sub-Commission, to propose to the Economic and Social Council that it take steps to ensure that indigenous peoples could participate effectively in the consideration of the draft declaration, as they were able to do in the Working Group. In the history of the United Nations, no other human rights instrument has enjoyed such diverse and constructive contributions by the peoples concerned, and that important partnership should continue. At the same time, it was the view of the members of the Working Group that the effectiveness of the draft declaration, after its adoption, would depend fundamentally upon its credibility and legitimacy with indigenous peoples themselves and with the Governments concerned.

138. The Working Group recommended that the draft declaration, as adopted by the Sub-Commission, should be annexed to the revised Fact Sheet No. 9 on indigenous peoples and given the widest possible distribution.

B. Decade of the World's Indigenous Peoples

139. The Working Group expressed its appreciation to the Governments, United Nations bodies and specialized agencies that had submitted written information and proposals on the subject of the forthcoming Decade, and to the indigenous peoples organizations and observer Governments that had contributed

to the debate on that item of the Working Group's agenda. Undeniably, the International Year had set in motion a global momentum in support of greater attention to the rich heritage of and contemporary concern for indigenous peoples, which the Decade could continue to build upon and translate into practical action.

140. Participants at the Working Group's twelfth session stressed the importance of achieving the adoption of the draft declaration by the General Assembly before the conclusion of the Decade. The members of the Working Group recommended that that be made an explicit goal of the Decade, and that all of the official promotional activities associated with the Decade should refer to the draft declaration and explain its content and significance. There should be the widest possible publication and dissemination of the text in official and indigenous languages, by the United Nations and where possible by Governments.

141. Participants at the Working Group's twelfth session also stressed that the Decade should place priority on the new role of indigenous peoples as decision makers and beneficiaries of national, regional and international development activities. Official activities celebrating the Decade, at all levels, should have an operational focus and pursue the theme of "A new relationship: partnership in action".

142. Particular attention should be paid to improving the extent and effectiveness of indigenous participation in planning and implementing the activities for the Decade, including the recruitment of indigenous staff members in all relevant United Nations offices and agencies, and giving urgent attention to the need for a capable, adequately-financed special staff unit to assist the Coordinator for the Decade.

143. In that context, the members of the Working Group stressed the importance of securing adequate financial and human resources for achieving the goals established for the International Decade and for the successful carrying out of the activities to be included in the programme of action. They recommended that the Sub-Commission propose to its superior bodies that they take the necessary steps to ensure that the regular budgets of the United Nations and its specialized agencies include specific adequate budgetary allocations for the Decade. The Working Group also recommended that the Secretary-General should establish, during the first quarter of 1995, the Voluntary Fund for the Decade foreseen in paragraph 14 of General Assembly resolution 48/163. A board of trustees on which representatives of indigenous peoples would participate as full members should be appointed to administer the Fund.

144. The Working Group recommended that the Secretary-General consider renewing the appointment of the Nobel Prize Laureate, Mrs. Rigoberta Menchu Tum, as United Nations Goodwill Ambassador.

145. The Working Group also recommended that the General Assembly should authorize the Coordinator to convene technical meetings on the Decade, following the practice developed for the International Year, prior to the annual sessions of the Working Group.

146. With regard to specific themes and activities for the Decade, the Working Group considered that the programme outlined by the Chairperson-Rapporteur in her note (E/CN.4/Sub.2/1994/52), addressed the broad range of interests and concerns expressed by indigenous peoples themselves, and should be transmitted to the General Assembly, through the Sub-Commission and the Commission on Human Rights, in accordance with General Assembly resolution 48/163 and Commission resolution 1994/26. Attention should also be paid to the document submitted to the Technical Meeting on the Intentional Year and Decade by the Indigenous Initiative for Peace (E/CN.4/AC.4/1994/TM.4/CRP.7).

C. International Day of Indigenous Peoples

147. The Working Group wholeheartedly endorsed the proposal made by a number of indigenous participants, including the Nobel Laureate, Mrs. Rigoberta Menchu Tum, and the Chairperson of the Aboriginal and Torres Strait Islander Commission, Ms. Lois O'Donoghue, that the International Day of the Indigenous People be observed annually on 9 August, the anniversary of the first meeting of the Working Group on Indigenous Populations in 1982. That day marked the beginning of the recognition of indigenous peoples and their struggle for dignity by the United Nations system, and was therefore appropriate as a time of shared celebration by the United Nations and indigenous peoples throughout the world.

D. Permanent Forum of Indigenous Peoples

148. In response to the requests made in General Assembly resolution 48/163 and Commission on Human Rights resolution 1994/26, the Working Group engaged in a preliminary exchange of views with indigenous peoples' organizations and observer Governments, based upon a note prepared by the Chairperson-Rapporteur outlining some major issues for discussion (E/CN.4/Sub.2/AC.4/1994/13), the guidelines contained in the annex to the present report and a note prepared by the Secretary-General (E/CN.4/Sub.2/AC.4/1994/11). The Working Group believed that an ongoing process of consultation and agreement with indigenous peoples and Governments was required in order to deal justly with that important subject, in the spirit of partnership and collaboration launched by the International Year.

149. The Working Group was of the opinion that among the possible functions to be assigned to the permanent forum would be to play an important role in operational coordination for development. That operational role required that the forum should enjoy observer status at all United Nations bodies in that field, including the Economic and Social Council, the Commission on Human Rights and the Commission on Sustainable Development.

150. In that respect the Working Group noted that the system-wide coordination contemplated in Economic and Social Council decision 1992/255, and in section 26.5 of the programme of action adopted in 1992 by the United Nations Conference on Environment and Development (A/CONF.151/26/Rev.1, vol. I, Agenda 21), had not yet been entrusted to any specific institution or organ of the United Nations. The Working Group believed that, at the current stage, a permanent forum might be the most appropriate mechanism for assuming those important responsibilities.

151. The Working Group, in discussing the item, considered a paper submitted by the Government of Denmark (E/CN.4/Sub.2/AC.4/1994/CRP.3) and expressed its gratitude to the Government concerned and encouraged other Governments to make their contributions on this question.

152. The Working Group believed that it would be useful to hold further consultations on the question of a permanent forum and encouraged Governments and indigenous organizations, together with experts, to consider how they could contribute to the further elaboration of the proposal, with a view to presentation at the thirteenth session of the Working Group.

E. Future of the Working Group

153. The members of the Working Group believed that the Working Group would continue to serve important and necessary functions. Those included its present functions, in particular additional standard setting in fields in which members of the Working Group were engaged in technical studies, and ensuring continuity in the unique dialogue between indigenous peoples, Governments and the United Nations system which had evolved into a major and routine part of the Working Group's annual sessions. Both indigenous peoples and Governments had stated that they greatly valued the opportunity they had had since 1982 to meet annually at Geneva and to engage in a frank exchange of views, on a basis of equality, which had developed into a constructive dialogue.

154. The Working Group accordingly should continue to meet annually under its existing mandate. In addition, the Working Group was of the opinion that it might play a role in the mechanism to be established by the General Assembly to evaluate the fulfilment of the goals of the Decade and the carrying out of the activities included in the programme of action to be adopted.

155. The Working Group, moreover, recommended that the Sub-Commission on Prevention of Discrimination and Protection of Minorities and Commission on Human Rights should encourage Governments, when nominating independent experts/alternates for election to the Sub-Commission, to consider selecting indigenous people, with a view to their serving as members of the Working Group in the future.

F. Studies and reports

156. The Working Group regretted that the Special Rapporteur on treaties, agreements and other constructive arrangements between States and indigenous peoples could not submit his second progress report, as requested by the Sub-Commission, and recommended that he make all possible efforts to submit his second progress report in 1995 to the Working Group at its thirteenth session and to the Sub-Commission at its forty-seventh session and his final report to both bodies, if possible in 1996.

157. The Working Group requested the Secretary-General to provide the Special Rapporteur with all the necessary assistance to fulfil his mandate, in particular with the services of a consultant.

158. Participants at the twelfth session of the Working Group have reviewed with great interest the conclusions and recommendations of the fourth and final report on transnational investments and operations on the lands of indigenous peoples (E/CN.4/Sub.2/1994/40), and expressed regret at the discontinuation of that important monitoring project. The Working Group recommended that the Sub-Commission urgently request, through the Commission on Human Rights and the Economic and Social Council, that the Secretary-General find the means of implementing the recommendations, contained in the report, for ongoing research and communication with indigenous peoples within the framework of the Decade and the permanent forum.

159. In the light of paragraph 2 of Commission on Human Rights resolution 1993/30, the Working Group decided to request the Sub-Commission to recommend that the secretariat transmit the report of the Working Group to all thematic rapporteurs, special representatives, independent experts and working groups, calling upon them to pay special attention, within the framework of their mandates, to the situation of indigenous people.

G. Meetings and conferences

160. The members of the Working Group reviewed with great interest and appreciation the draft final act to be considered by the International Conference on Population and Development (A/CONF.171/L.1), especially those provisions relating specifically to indigenous peoples. The Working Group agreed to recommend to the Conference, in accordance with the invitation of the Preparatory Committee, the use of the term "peoples" in the Final Act to be consistent with the terminology and substantive legal provisions of the draft Declaration on the Rights of Indigenous Peoples.

161. The Working Group took note, with concern, of the minimal extent to which indigenous peoples have thus far participated in preparations for the World Summit for Social Development, and recommended that the Sub-Commission appeal to the secretariat of the World Summit, and to participating Governments, to take appropriate steps to facilitate and promote the effective participation of indigenous peoples in the World Summit. The Working Group further recommended that a special day for indigenous peoples be set aside during the final Preparatory Committee session for the World Summit in January 1995, to ensure consideration of the relationship between the World Summit and the Decade, and that the Chairperson-Rapporteur of the Working Group be authorized to attend the remaining sessions of the Preparatory Committee and the Conference as its representative.

162. The Working Group reaffirmed its recommendation that future sessions of the Working Group should be held in locations other than Geneva.

163. The Working Group decided to consider the questions of "standard-setting activities", "review of developments pertaining to the human rights and fundamental freedoms of indigenous populations", "treaties and agreements with indigenous peoples", "International Decade of the World's Indigenous People", "future of the Working Group", "permanent forum for indigenous peoples" and "other matters" as separate items on the agenda of its thirteenth session.

164. The Working Group expressed its appreciation to the secretariat for the preparation of an annotated agenda for its session and requested that an annotated agenda be prepared for its thirteenth and subsequent sessions.

Annex

GUIDELINES FOR THE ESTABLISHMENT OF A PERMANENT FORUM OF THE WORLD'S INDIGENOUS PEOPLES*

Prepared by the Chairperson-Rapporteur, Ms. Erica-Irene A. Daes

A. Mandate

1. The forum should be given the mandate of promoting, coordinating and evaluating international cooperation activities that affect indigenous peoples, their territories and their communities. This should include United Nations operational activities for development.

2. The forum should be authorized to monitor and report to higher United Nations bodies on the implementation of the United Nations Declaration on the Rights of Indigenous Peoples in all parts of the world.

3. The forum should be authorized to meet formally for up to 10 working days each year, to fix the time and venue of its sessions, and to adopt its own rules of procedure.

4. The forum should be authorized to gather, and publish annually, information on the conditions and needs of indigenous peoples in every part of the world, in cooperation with other competent United Nations bodies and specialized agencies.

B. Structure

5. The forum should be open to equal participation by all the world's indigenous peoples, through their own representatives. It should also welcome the observers of Governments, non-governmental and intergovernmental organizations, United Nations bodies and specialized agencies.

6. The forum should be authorized to elect its own officers and its own official representatives to other United Nations conferences, meetings and organs.

7. The forum should be encouraged to take decisions by consensus.

8. The forum should report annually, through its chairperson or a designated representative, to the Economic and Social Council.

9. The forum should be authorized to designate representatives to report to and participate in the sessions of the Commission on Human Rights, the Commission on Sustainable Development, and other relevant functional commissions of the Economic and Social Council, as well as relevant committees of the General Assembly.

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* The informal guidelines prepared by the Chairperson-Rapporteur were not agreed upon by the Working Group members.

C. Staff and resources

10. The forum should be serviced by an independent unit within the Secretariat, reporting to the Secretary-General through the Department of Policy Coordination and Sustainable Development. This unit should, at a minimum, be provided with three Professional staff, to be recruited in consultation with indigenous peoples.

11. The meetings of the forum should be financed from the regular budget of the United Nations.

12. The forum should assume direct responsibility for expenditures from the voluntary fund for activities under the Decade of the World's Indigenous People, and from any future voluntary funds for indigenous peoples' development.

13. The existing Voluntary Fund for Indigenous Populations should continue to remain independently managed by its own Board of Trustees.